

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- v -

MEMORANDUM AND ORDER

ARNALDO CABRERA,

S1 05 Cr. 1278-002 (NRB)

Defendant.

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Arnaldo Cabrera has filed a motion pro se, dated February 26, 2020 and received at the end of March, seeking a reduction of his sentence pursuant to Amendment 782 to the United States Sentencing Guidelines, which retroactively adjusts offense levels associated with certain drugs (including cocaine).

In a decision filed on November 19, 2014, we recited, based on a Supplemental Presentence Report, that Cabrera might be eligible for relief under Amendment 782. As calculated in that report, the guidelines sentence, after crediting Cabrera with a 2-point reduction in his base offense level, would be 262 to 327 months of imprisonment. Nonetheless, consistent with the policy of this Court at that time, we deferred ruling on the motion for sentence reduction pursuant to Amendment 782 until two years before the earliest possible release date, which was then to be May 7, 2022.

Upon reviewing the current motion, the Court has concluded that Cabrera may now proceed with his motion for sentence reduction under Amendment 782. If the Government determines to file a submission on whether Cabrera should receive the benefit of the 2-point reduction under Amendment 782, it should do so no later than May 1, 2020.

SO ORDERED.

Dated: New York, New York
April 17, 2020

A handwritten signature in blue ink, reading "Naomi Reice Buchwald", is written over a horizontal line.

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE